IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

FRIDAY, THE 25TH MAY 2007 / 4TH JYAISHTA 1929

MFA.No. 66 of 2000(B)

AGAINST THE ORDER DATED 26/07/1999 IN IA 992/1998 IN OP.173/1987 of D.C. & SESSIONS COURT,KOZHIKODE
.....

APPELLANT/(PETITIONER/PETITIONER):

K.RADHAKRISHNA KURUP,
S/O.KALLAT RUGMINI AMMA, RESIDING AT
THIRUVATH, PANANGAD AMSOM DESOM,
KOYILANDY TALUK.

BY ADV. SRI.A.P.CHANDRASEKHARAN
SMT.PRABHA R.MENON
SRI.KODOTH PUSHPARAJAN.
SRI.M.KRISHNA KUMAR
SRI.JAYESH MOHAN KUMAR

RESPONDENTS/(RESPONDENTS/RESPONDENTS):

1.K.RARAMESWARA KURUP,S/O.MADHAVI AMMA,
KALLAT MANAPPAT HOUSE, THALAPPILLI TALUK,
CHIRANALLUR AMSOM, DESOM, THRISSUR.

2.K.RAJALAKSHMI,W/O.RADHAKRISHNAN,
THAZHATHE KURUPPATH HOUSE, THALAPPILLY TALUK,
CHIRANALLUR AMSOM, DESOM, THRISSUR DIST.

3.K.R.VENUGOPALAKURUP,S/O.KRISHNAKURUP,
PANANGAD AMSOM DESOM, KOYILANDY TALUK,
KOZHIKODE DIST.

BY

THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD ON 25/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.B.KOSHY & K.P.BALACHANDRAN, JJ.

M.F.A.NO.66 OF 2000 (B)

Dated this the 25th day of May, 2007

J U D G M E N T

KOSHY,J.

Appellant is the Manager appointed in respect of the properties owned by one K.Sethumadhavan, who is found to be mentally ill and incapable of taking care of his properties. He approached the District court for selling an extent of 1.15 acres of land belonging to the above mentally ill person. Application was dismissed stating that the mentally ill person haS no valid title over the property. It is the contention of the appellant that that findings will affect the mentally ill person quite adversely. We are not going in detail regarding the title of the mentally ill person in this appeal. The reason for selling the property at the time of application has expired due to lapse of time. So if at any time selling of the above land is necessary, petitioner is free to approach the court and court can consider the same eschewing the findings in the impugned order. No further relief

is necessary. Eschewing the findings regarding the question of title and keeping the question open, this matter is disposed of.

J.B.KOSHY, JUDGE

K.P.BALACHANDRAN, JUDGE

prp

J.B.KOSHY & K.P.BALACHANDRAN, JJ.

M.F.A.NO.66 OF 2000 ()

J U D G M E N T

25th May, 2007